UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	No. 2:98-cr-02073-SAB
Plaintiff,	2:98-cr-02132-SAB
v.	
VICTOR SANCHEZ-GARCIA,	**ORDER DISMISSING MOTION**
Defendant.	**UNDER 28 USC § 2255**

Before the Court is Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, 2:98-cr-02073-SAB-1, ECF No. 158; 2:98-cr-02132-SAB, ECF No. 198.

In his motion, Defendant asks the Court to intervene and order the Bureau of Prisons to credit him for the time he served on the 51-month sentence imposed in his Western District of Washington case. Defendant filed a similar request in April of this year, asking the Court to enforce its Judgment pursuant to 28 U.S.C. § 1651(a) and/or Fed. R. Cr. P. 60(b). In denying Defendant's request, the Court informed Defendant that the proper method for obtaining review of the BOP's determination regarding the enforcement of the Court's sentence is to file an action pursuant to 28 U.S.C. § 2241 in the district in which he is confined and against his immediate custodian. 2:98-cr-02073-SAB-1, ECF No. 149; 2:98-cr-02132-SAB, ECF No. 193. As such, the Court will dismiss Defendant's § 2255 motion without prejudice to permit him to refile it as a § 2241 in the district in

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1 which he is confined.

2   Accordingly, **IT IS HEREBY ORDERED:**

3   1. Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or

4 Correct Sentence by a Person in Federal Custody, 2:98-cr-02073-SAB-1, ECF No.

5 158; 2:98-cr-02132-SAB, ECF No. 198, is **DENIED**, without prejudice.

6   2. Defendant's Motion to Appoint Counsel, 2:98-cr-02073-SAB-1, ECF No.

7 159; 2:98-cr-02132-SAB, ECF No. 199, is **DENIED.**

8   **IT IS SO ORDERED.** The District Court Executive is hereby directed to

9 file this Order and provide copies to Defendant.

10   **DATED** this 13th day of December 2016.

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16   Stanley A. Bastian
17   United States District Judge

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